

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LAMONT J. MARSHAL,)	
)	Civil Action No. 06 - 215J
)	
Plaintiff,)	Judge Kim R. Gibson /
)	Magistrate Judge Lisa Pupo
v.)	Lenihan
)	
SAM LOMBARD, Warden; JAMES)	
MCCLOSKEY, Deputy Warden; DR.)	
CATHY MOYER; MICHELLE WORMUTH,)	
LPN; HONORABLE FREDRIC J.)	
AMMERMAN, Chairman, Clearfield)	
County Prison Board; MARK)	
MCCRACKEN, County Commissioner;)	
MIKE LYTTLE, County Commissioner;)	
REX READ, County Commissioner;)	
WILLIAM A. SHAW, JR., District)	
Attorney; DON M. MCCLUSICK,)	
Director of Probation; CHESTER)	
HAWKINS, Sheriff; and CLAUDIA)	
READ, Controller,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated on October 5, 2006 by the filing of a Civil Rights Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on August 9, 2007 (doc. no 40), recommended that that the Motion to Dismiss filed by Defendants Read, Shaw, McClusick, Hawkins, Read,

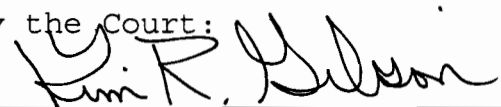
Lombardo, McCloskey, Wormuth, Ammerman, McCracken, and Lytle (doc. no. 21) be denied and that the Motion to Dismiss filed by Defendant Dr. Cathy Moyer (doc. no. 23) be granted. Objections to the Report and Recommendation were due by August 27, 2007. No Objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 29th day of August, 2007;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendants Read, Shaw, McClusick, Hawkins, Read, Lombardo, McCloskey, Wormuth, Ammerman, McCracken, and Lytle (doc. no. 21) is **DENIED** and the Motion to Dismiss filed by Defendant Dr. Cathy Moyer (doc. no. 23) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 40) of Magistrate Judge Lenihan, dated August 9, 2007, is adopted as the Opinion of the Court.

By the Court:



Kim R. Gibson
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Lamont J. Marshall, GV-9769
SCI Graterford
P.O. Box 244
Graterford, PA 19426